

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|-----------------------|---|------------------------|
| BOB MCINTOSH, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 4: 01CV65 RWS |
| |) | |
| MONSANTO CO., et al., |) | |
| |) | |
| Defendants. |) | |

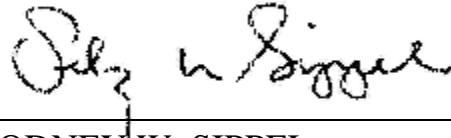
MEMORANDUM AND ORDER

This matter is before me on Monsanto's motion for judgment on the pleadings. Monsanto argues that it lacks notice of "what plaintiffs assert that Monsanto did to fix prices," despite litigating this matter for over five years (including one trip to the Court of Appeals) and producing "more than a million pages of documents relating to the merits." Monsanto's motion will be denied, as plaintiffs' third amended complaint complies with the pleading standards set out in the Federal Rules of Civil Procedure.

The crux of Monsanto's motion is really that plaintiffs cannot prove their claims. This, of course, is an inappropriate basis upon which to dismiss a complaint. Although the argument may be raised in a motion for summary judgment, such a motion is not before me at this time.

Accordingly,

IT IS HEREBY ORDERED that Monsanto's motion for judgment on the pleadings [#501] is denied.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written in black ink.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 1st day of June, 2006.